IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 32164 of 2006(D)

PETITIONER:

PRASANTH. M.,
S/O.V.K. GOPALAN NAMBIAR, AGED 29 YEARS,
MADHAVIPURAM HOUSE, P.O.PUTHOOR (VIA) PANOOR,
KANNUR DISTRICT.

BY ADV. SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR
SRI.NISHIL.P.S.

RESPONDENTS:

---

1. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
KANNUR DISTRICT.

3. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
MALAPPURAM DISTRICT.

BY ADV. P.C. SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32164 of 2006(D)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE VERIFICATION REPORT DATED 20-12-2005 ISSUED BY THE DISTRICT OFFICER, KANNUR

EXHIBIT-P2: TRUE COPY OF THE RANKED LIST DATED 31.12.2005 PUBLISHED BY THE PUBLIC SERVICE COMMISSION OF L.D. CLERKS, KANNUR DISTRICT

EXHIBIT-P3: TRUE COPY OF THE SHOW CAUSE NOTICE NO.C6(1) 2828/2005 (1) DATED 18.8.2006

EXHIBIT-P4: TRUE COPY OF THE EXPLANATION DATED 22.8.2006 SUBMITTED BY THE PETITIONER

EXHIBIT-P5: TRUE COPY OF THE REPLY VIDE NO.DR 1 (1) 43357/05/G.W DATED 13.10.2006

EXHIBIT-P6: TRUE COPY OF THE LETTER NO.C6 (1) 2828/2006 (1) DATED 3.11.2006 BY THE DISTRICT OFFICER, PSC, KANNUR

RESPONDENTS EXHIBITS:

EXHIBIT R1 (a): TRUE COPY OF THE APPLICATION FORM SUBMITTED BY THE PETITIONER

/TRUE COPY/

P.A. TO JUDGE

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.32164 of 2006-D

Dated this the 26th day of June, 2007.

J U D G M E N T

The petitioner was a candidate, who applied for the post of L.D. Clerk in Malappuram District, when applications were invited for the same, by the Public Service Commission, by notification dated 31-12-2004. While the petitioner received call letter to attend the written test from the Kannur District, he approached the District office at Kannur and he was advised to take the test, it is submitted. When the short list was published by the Public Service Commission Office, Kannur, his name was included in it. Later, rank list was published by the Public Service Commission. Ext.P2 is the rank list. Later, on 18-6-2006, the petitioner has been served with a show cause notice proposing to remove his name from the rank list for the reason that he applied to the Kannur District. But, in the application, the District shown is Malappuram. He also darkened the bubble in the application relating to Malappuram District. The District Code given was also of Malappuram. He was served with a show cause notice, the copy of which was produced as Ext.P3 proposing to remove his name from the list for the reason that he did not apply for Kannur District. The petitioner submitted Ext.P4 reply stating that in the application he has wrongly stated the name of Malappuram District in the place of Kannur. He has not applied for any other District. Therefore, his application may be treated as a valid application. The Public Service Commission considering his objection passed Ext.P5 order removing him from the rank list. Pursuant to the said decision of the Public Service

Commission, the District Officer removed his name from the District list. by Ext.P6. So, this writ petition is filed, challenging Ext.P6. The petitioner submits, Ext.P6 order is arbitrary and unconstitutional and the same violates his fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India. Further, the mistake committed by him is only a minor defect and he should have been granted a chance to cure that defect. At the time of scrutiny of application the said mistake was not noticed and therefore, the Public Service Commission is also responsible for the irregularity. Other contentions are also raised.

2. The Public Service Commission has filed a counter affidavit and along with that Ext.R1(a) application has been produced. Column 9 (a) would show the District to which he applied is Malappuram and not Kannur. I think the said defect alone is sufficient to reject his application. The application was meant for Malappuram. But, it was actually sent to Kannur and he took the test at Kannur also. So, if the Public Service Commission decides that the petitioner's application cannot be accepted, this Court cannot interfere with the same under Article 226 of the Constitution of India. The defect is a very serious defect which goes to the route of the matter and not a minor defect as contended by the petitioner.

In the result, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS